

# Notice of Allowability

Application No.

10/604,241

Examiner

David Buttner

Applicant(s)

CUPPLES ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amdt 4/26/05.
2. ☒ The allowed claim(s) is/are 1,2,4 and 6-13.
3. ☒ The drawings filed on 03 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Catania on 6/21/05.

The application has been amended as follows:

In claim 1 line 9 before "an aliphatic" insert --- and ---.

In claim 1 line 11 before "curative blend" insert --- the amines in the ---.

In claim 6 line line 7 before "curative blend" insert --- the amines in the ---.

In claim 6 line 8 before "curative blend" insert --- amines in the ---.

In claim 6 line 9 before "curative blend" insert --- amines in the ---.

In claim 7 line 12 before "curative blend" insert --- the amines in the ---.

In claim 8 line 7 before "curative blend" insert --- the amines in the ---.

In claim 8 line 7 after "aromatic" insert --- amine ---.

In claim 8 line 8 before "curative blend" insert --- amines in the ---.

In claim 8 line 9 after "aliphatic" insert --- amine ---.

In claim 8 line 9 before "curative" insert --- amines in the ---.

In claim 12 line 12 before "curative blend" insert --- the amines in the ---.

In claim 12 line 12 after "aromatic" insert --- amine ---.

In claim 12 line 13 before "curative blend" insert --- amines in the ---.

In claim 12 line 14 after "aliphatic" insert --- amine ---.

In claim 12 line 14 before "curative" insert --- amines in the ---.

In claim 13 line 12 before "curative" insert --- the amines in the ---.

In claim 13 line 12 after "aromatic" insert --- amine ---.

In claim 13 line 13 before "curative blend" insert --- amines in the ---.

In claim 13 line 14 after "aliphatic" insert --- amine ---.

In claim 13 line 14 before "curative" insert --- amines in the ---.

The following is an examiner's statement of reasons for allowance: Wu and Voorheis suggest many curatives for their polyurethanes. Neither suggest the 1-10 parts of trimethylolpropane. This limited amount together with the fact that neither reference clearly direct the reader to combinations of aromatic amine + 2<sup>nd</sup> amine + trimethylolpropane make a rejection based on the art of record untenable. The terminal disclaimer overcomes the obviousness double patenting. The examiner's amendment is necessary to make clear the basis for the amount calculations. The basis is consistent with paragraph 61 etc.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on 10:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Buttner  
6/21/05

DAVID J. BUTTNER  
PRIMARY EXAMINER

*David Buttner*